

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

Crl. Misc. M 45932 of 2016
Date of decision: 21.03.2017

Shingara Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Naveen Madhan, Advocate
for the petitioner

Mr. Mikhail Kad, AAG, Punjab

None for respondent No. 2

-.-

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner prays for quashing of FIR No. 238 dated 17.11.2016 for offence punishable under Sections 354, 354-A, 323 of the Indian Penal Code (in short, 'IPC') registered with Police Station Dera Bassi, District SAS Nagar and proceedings emanating therefrom on the basis of compromise dated 17.12.2016 (Annexure P-2) arrived at between the parties.

There are two accused in the aforesaid FIR but the present petition has been preferred by the petitioner.

Counsel for the petitioner states that the parties have mutually resolved their differences vide compromise deed dated 17.12.2016.

Vide order dated 22.12.2016, the parties were directed to appear before the trial Court to get their statements recorded with regard to

genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Dera Bassi wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of report of the trial Court

Counsel for respondent No. 2 has conceded to the position.

A perusal of allegations in the FIR reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in '*Gian Singh v. State of Punjab and another*', 2012(4) *R.C.R. (Criminal)* 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In this view of the matter, the petition is allowed and FIR No. 238 dated 17.11.2016 for offence punishable under Sections 354, 354-A, 323 IPC registered with Police Station Dera Bassi, District SAS Nagar and proceedings emanating therefrom on the basis of compromise dated 17.12.2016, stand quashed qua the petitioner.

(Rekha Mittal)
Judge

21.03.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No